

### REMARKS

The foregoing amendments to the claims are presented to overcome the objections and rejections set forth in the April 27, 2010 Office Action. In particular,

- (a) the claims rejected under 35 U.S.C. § 101 (24-25, 30-31, and 41) have all been cancelled;
- (b) the previously withdrawn claims (17-25 and 32) have been re-presented as new dependent claims 42-48 in light of the withdrawal of the restriction requirement;
- (c) prior independent claim 23, and the claims which formerly depended on claim 23 (33 and 39) have been cancelled to reduce the overall number of claims;
- (d) the term “medium” which appears in certain claims, and to which the Examiner objected, has been amended to read “sample (1);” and
- (e) independent claims 29 and 37, which were rejected under Section 102 because they did not recite that at least one of the fibers both delivers light and measures scattered light, Office Action page 6, have been amended to recite the limitation, “wherein at least one of said fibers both delivers light from the light source and measures scattered light from the sample (1).”

In addition, certain language in claim 35, which depends on product claim 29,

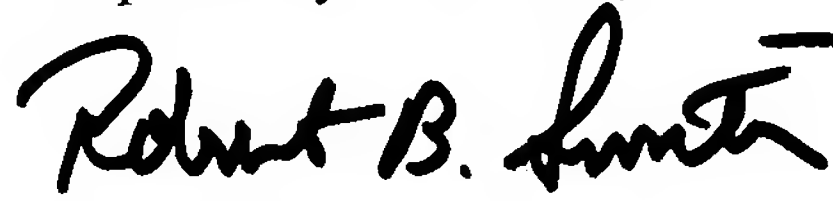
has been corrected.

In the last Office Action, the Examiner acknowledged the applicant's argument, in response to the art rejection under Section 102, that the present invention differs over the cited art in that the cited art does not teach at least one fiber that both delivers light from the light source and measures scattered light from the sample. Office Action page 6. However, the Examiner pointed out that such features were not recited in the claims as then written. Id. By the foregoing amendments, the language suggested by the Examiner has been expressly added to independent claims 29 and 37.

The term "sample (1)" finds support in the original specification, e.g., in Figure 1 and on page 7, line 10 of the specification.

For the foregoing reasons, the applicant respectfully requests favorable consideration, entry of the amendment, and allowance of the amended application.

Respectfully submitted,



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